

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

DARRELL KIMBROUGH, MSN, FNP-C, §  
MARY BENARD, MSN, FNP-C, and §  
TINA SPOHN-LEDFORD, MSN, FNP-C; §  
§  
Plaintiffs, §  
§  
v. § CIVIL ACTION NO. 2:18-CV-82-D-BR  
§  
§  
NAEEM KHAN, M.D. and §  
AMARILLO URGENT CARE, LLC, §  
§  
§  
Defendants. §

**DEFENDANTS' PRETRIAL DISCLOSURES**

TO: Plaintiffs, Darrell Kimbrough, MSN, FNP-C, Mary Benard, MSN, FMP-C and Tina Spohn-Ledford, MSN, FNP-C by and through their counsel of record, Shawn D. Twing, Mullin, Hoard & Brown, LLP 500 S. Taylor, Suite 800, P. O. Box 31656, Amarillo, Texas 79120-1656 and Elizabeth A. Chermel, Mullin, Hoard & Brown, LLP 2515 McKinney Ave., Suite 900, Dallas, Texas 75201.

**A. WITNESSES**

1. Defendant expects to call the following witnesses at trial:

**1. DEFENDANTS**

Amarillo Urgent Care

Naeem Khan, M.D.

Agents and Employees, including any Custodian of Records, as listed below:

c/o

Casey Erick

Cowles & Thompson, P.C.

901 Main Street, Suite 3900

Dallas, Texas 75202

214-672-2138

Office Administrator – Cris Rico

Former Office Administrator - Melissa Chavez

Office Manager – Vicki

Nurse Practitioner – Nicole L. Slatten

Medical Assistants/Scribes – Maggie, Samantha Huerta, and Hope Catano

**2. PLAINTIFFS**

Darrell Kimbrough  
Mary Benard  
Tina Spohn-Ledford  
c/o MULLIN, HOARD & BROWN, LLP  
Shawn D. Twing  
stwing@mhba.com  
500 South Taylor, Suite 800  
P. O. Box 31656  
Amarillo, Texas 79120-1656  
Phone: (806) 372-5050  
- AND -  
Elizabeth A. Chermel  
bchermel@mhba.com  
2515 McKinney Avenue, Suite 900  
Dallas, Texas 75201  
Phone: 214-754-0040

**3. DEFENDANT AMARILLO URGENT CARE – PAYROLL SERVICES PROVIDER**

Professional Payroll Systems, Ltd.  
“ProPay” Agents and Employees, including:  
Lauren Williams, Payroll Specialist  
9525 Business Interstate 40  
Amarillo, Texas 79124  
P. O. Box 509 (79105)  
(806) 356-9997

**4. PROVIDER OF URGENT CARE ELECTRONIC MEDICAL RECORDS SOFTWARE & PRACTICE MANAGEMENT**

DocuTAP  
101 S. Phillips Ave., Suite 300  
Sioux Falls, South Dakota 57104  
Sales (866) 838-4543  
Support (877) 697-4696

**5. FORMER ATTORNEY FOR DEFENDANTS**

Michael A. Warner  
The Warner Law Firm  
101 S.E. 11th St., Suite 301  
Amarillo, Texas 79101  
(806) 372-2595

**6. PROVIDER OF URGENT CARE ELECTRONIC MEDICAL RECORDS SOFTWARE & BILLING SERVICES**

Practice Velocity  
Penny Ratzlaff, CPC (Director of Billing Support)  
8777 Velocity Dr.  
Machesney Park, Illinois 61115

(815) 713-2684

**7. REGARDING PLAINTIFF DARRELL KIMBROUGH – ALLEGED OFFER OF EMPLOYMENT**

Donita Crowder  
Tirra Kenney  
Concentra Health Services, Inc.  
(972) 725-6422  
(972) 725-6695

**8. REGARDING ATTORNEY'S FEES AND EXPENSES**

Casey Erick  
Cowles & Thompson, P.C.  
901 Main Street, Suite 3900  
Dallas, Texas 75202  
214-672-2138

2. Defendants may call the following witnesses if the need arises: Defendants may supplement this response, as needed or in rebuttal to Plaintiffs' pretrial disclosures.

**B. DEPOSITIONS**

3. Defendant expects to call the following witnesses by deposition: None at this time.

**C. EXHIBITS**

5. Defendants expects to offer the following exhibits:

No.	Document Description	Document No.
1	Detailed Payroll Report- Mary Benard from 12/21/2016 through 6/29/2018	001-102
2	Chase Bank Statement Ma 2018	103-107
3	Detailed Payroll Report- Darrell Kimbrough from 1/18/2017 to 5/23/2018	110-139
4	Payroll History for Tina Spohn-Ledford from 9/14/16 to 5/23/18	140-146
5	Payroll Register for Tina Spohn-Ledford from 6/24/2015 through 9/11/2018	147-177
6	Detailed Payroll Report- Tina Spohn-Ledford from 9/14/2016 through 5/23/18	178-259
7	Time Sheets (Summary from Propay; Detailed report from Timetrax, Payroll History)	D*1-893
8	Payroll History for Tina Spohn-Ledford	D*194-198

9	Huerta Statement	D*894
10	Documents regarding Darrell Kimbrough	D*894-903 and 910-913
11	Huerta-Catano DK chart totals	D*895
12	Warner Law Firm letter to Concentra	D*896
13	Noncompete letter to Concentra	D*898
14	Cough Fever Chart	D*901
15	Flu Chart	D*902
16	Toe Injury Chart	D*903
17	Recordings and videos	D*904-909
18	Exemplar Charts	D*910-913
19	CFR and charting estimates	D*914-971
20	Combined report of Plaintiffs Feb 2017-Feb 2018	D*1000
21	New EMR login information	D*1001-10021
22	Supplement to Ledford Records	D*1022-1034
23	Tina Spohn-Ledford Answers to Interrogatories	
24	Darrell Kimbrough Answers to Interrogatories	
25	Mary Bernard's Answers to Interrogatories	
26	Darrell Kimbrough Contract	DK 2-3
27	Mary Bernard Contract	MB 54-62
28	Tina Spohn-Ledford Contracts	TSL 52-71
29	Employee Handbook	D*1035-1047

6. Defendants may offer the following exhibits if the need arises:

No.	Document Description	Document No.
1	DocuTap Audit results produced September 20, 2019	DT - 1-29

2	PracticeVelocity subpoenaed records	1-761
3	Darrell Kimbrough records	DK 1
4	Mary Bernard records	MB 1-53
5	Tina Spohn-Lepford records	TSL 1-71

Defendants reserve the right to amend these disclosures in response to Plaintiffs' disclosures or as necessary prior to trial.

Respectfully submitted,

COWLES & THOMPSON, PC

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 9, 2019, a copy of the foregoing was filed electronically using the Court's CM/ECF system and served in accordance with the Federal Rules of Civil Procedure. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing.

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By:   
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